

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-FIFTH LEGISLATURE

OF THE
STATE OF MAINE.

1911

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fifth
Legislature

1911

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of said corporation would be thereby better performed and upon such finding the said company shall have all the powers otherwise given by the general laws of the state necessary to take, hold and pay for so much of its location as the railroad commissioners may so approve.

Motive power.

Section 2. The said extension shall be operated by electricity.

General laws made applicable.

Section 3. Except as modified hereby, the general laws of the state shall be applicable to the construction and operation of said extension.

Approved March 22, 1911.

Chapter 164.

An Act to incorporate the Ogunquit Sewerage Company.

Be it enacted by the People of the State of Maine, as follows:

Corporators.

Section 1. Edward T. Weare, F. Raymond Brewster, E. R. Hoyt, J. H. Littlefield, George A. Adams, N. P. M. Jacobs, Geo. H. Littlefield, Henry W. Weare and John W. Jacobs, with their associates, successors and assigns are hereby made a corporation under the name of the Ogunquit Sewerage Company, for the purpose of providing a system of sewers and drainage for the village of Ogunquit in the town of Wells for the comfort, convenience and health of the people of Ogunquit, with all the rights, powers and privileges and immunities incident or properly belonging to such corporations.

—corporate name.
—purposes.

May hold property not exceeding \$50,000 in amount.

Section 2. Said corporation may acquire and hold real and personal estate necessary and convenient for the purposes aforesaid not exceeding in amount fifty thousand dollars, may sell and convey the same may issue certificates of stock to an amount not exceeding twenty-five thousand dollars and may issue and sell bonds to the amount of twenty-five thousand dollars secured by mortgage of its works and franchise, to aid in the construction of its works.

—may issue bonds and mortgage property.

May take and hold necessary land.

Section 3. Said corporation is hereby authorized to take and hold by purchase or otherwise any land or real estate or easement therein necessary for forming basins, reservoirs and outlets, for erecting buildings for pumping works and for laying and maintaining conduits for carrying and collecting, discharging and disposing of sewerage matter and waters and for any other objects necessary, convenient and proper for the purpose of this act.

May construct conduits.

Section 4. Said corporation may construct conduits, in manner aforesaid, in and through said village of Ogunquit to and into the Atlantic ocean, and discharge therefrom to be at such

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point in said ocean as is most convenient, and convey through the same sewerage, surface water and the natural flowage of existing water courses and secure and maintain basins, reservoirs and outlets; may construct and maintain flush tanks, manholes, lampholes and all usual appliances, public and private; may build and maintain pumping stations and buildings, constructions and appliances for collecting, holding, distributing and disposing of sewerage matter, may establish regulations for the use of sewers and fix and collect the prices to be paid for entering the same and also the annual rentals for using thereof, and said corporation is hereby authorized for the purposes aforesaid, having first obtained the permission of the municipal officers of said town and under such restrictions and regulations as said officers may prescribe, to lay down through the streets, highways and lands of said towns, and take up, replace and repair all such conduits, pipes and fixtures as may be necessary for the objects of its incorporation, to carry and lay all conduits under any water force, way, public or private, or railroad in the manner prescribed by law, and to cross any drain or sewer or if necessary to change its direction in such manner as not to obstruct the use thereof, and to enter and dig up any such street, road or way, for the purpose of laying pipes beneath the surface thereof, for placing manholes or other fixtures and for maintaining and repairing the same and in general to do any other act or things necessary, convenient and proper to be done for the purpose of this act.

Section 5. Said corporation shall file in the registry of deeds for the county of York a certificate containing a description of the land taken, or on which an easement may be taken under the provisions of this act and a statement of the purposes for which it is taken, to be recorded by the register and such land or easement shall be deemed to be taken upon the filing of such certificate.

Section 6. Such corporation shall be liable to pay all damages that shall be sustained by any person in his property by the taking of any land or easement therein, under the provisions of this act; and if any person sustaining damages as aforesaid and said corporation shall not mutually agree upon the sum to be paid therefor, such person may cause his damages to be ascertained in the same manner and under the same conditions and limitations as are by law prescribed in the case of damages by the location of highways.

Section 7. Said corporation, at all times, after it shall commence receiving pay for the facilities supplied by it, shall be bound to permit the owners of all premises abutting upon its

—flush tanks, manholes, lampholes, etc.

—pumping stations.

—may establish regulations, and fix and collect prices.

—under restrictions of municipal officers, may lay pipes through streets and lands, take up and repair same.

—may cross any sewer or drain, but shall not obstruct same.

Shall file plans of land taken.

Shall be liable for all damages.

—damages, how ascertained, if parties cannot agree.

Owners of abutting property shall be permitted to enter con-

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duits with
proper
sewage.

lines of pipes and conduits, to enter the same with all proper sewerage upon conformity to the rules and regulations of said company, and payment of the prices and rentals established therefor.

Penalty for
injuring
property of
the corpo-
ration.

Section 8. Any person who shall place or leave any offensive or injurious matter or materials on the conduits, catch basins or receptacles of said corporation, contrary to its regulations, or shall wilfully injure any conduit, pipe, reservoir, flush tank, catch basin, manhole, lamphole, outlet, engine, pump or other property held, owned or used by said corporation for the purposes of this act, shall pay twice the amount of damages to a person, on conviction of either of said acts of wilful injury aforesaid shall be punished by fine not exceeding two hundred dollars and by imprisonment not exceeding one year.

Shall be
liable for any
personal
injury.

Section 9. Said corporation shall be liable to any person injured by any fault of said corporation or its agents, or any defect in the highways occasioned by the construction of the works of said company, during said construction or after the same have been completed, or while the same shall be undergoing repairs or extensions are being made; and said corporation shall also be liable to the town of Wells for any and all cost, damage and expense which said town may suffer or be put to by reason of the default, neglect, negligence or carelessness of said corporation or of any of its officers, servants or agents.

—liable to
town for any
damage.

Proceedings
in case works
of company
are taken
over by town.

Section 10. Should the town of Wells at a meeting duly called for the purpose, vote to take over the works of said company, and at any time subsequent to the first day of January in the year of our Lord nineteen hundred fifteen, inform the said company of its intention to take over the said works, then and in that case, the said company shall, within sixty days after receipt of notice of such intention of the said town and upon the tender of the fair market value, at the time of the said works including all the rights and franchises of the company, convey and make over to the said town the said sewer works and system in their entirety as they then exist.

Price to be
paid for
works shall
be fair
market value.

Section 11. Should said sewer works and system be taken over by the town as aforesaid, the consideration to be paid by the town therefor, shall be the fair market value of the said works at the time of taking, including the rights and franchises of the said company, as may be agreed upon by the said parties thereto. And should said parties be unable to agree upon the amount to be so paid, the same shall be left to the determination of three persons to be chosen as follows, namely: one who shall not be a lawyer, to be selected by the company; one who shall not be a lawyer, to be chosen by the municipal officers of the

—if parties
fail to agree,
price shall be
determined
by three
persons.

town, and another who shall be learned in the law, to be chosen by the chief justice of the supreme court, whose finding in the matter shall be final and conclusive between the parties.

Section 12. The affairs of said corporation shall be controlled by a board of directors consisting of not less than seven members, the majority of which shall be citizens of the town of Wells, and elected annually by a vote of the stockholders of the corporation; and the board of directors shall choose such other officers as may from time to time be required by the by-laws of the corporation.

Board of directors, how constituted.

Section 13. Any two of the persons mentioned in the first section of this act, may call the first meeting of said corporation by giving seven days' notice in writing to each of the other incorporators.

First meeting, how called.

Approved March 22, 1911.

Chapter 165.

An Act to incorporate the Mopang Dam and Improvement Company.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Frank S. Ames, Alfred K. Ames, Wilson D. Wing, James M. W. Hall and D. Henry Wellman, their associates and assigns, are hereby incorporated under the name of the Mopang Dam and Improvement Company, with all the powers and privileges of similar corporations.

Corporators.

—corporate name.

Section 2. Said corporation is authorized to build dams, side dams, remove rocks and make all other necessary improvements in Mopang stream to facilitate the driving of logs and lumber down the same, and for this purpose the said corporation may take land and materials necessary to build such dams, and make such improvements; and may flow contiguous lands so far as necessary to raise suitable heads of water. And if the parties cannot agree upon the damages, the corporation shall pay the proprietors of the land and materials so taken, such damages as shall be ascertained and determined by the county commissioners for the county of Washington, in the same manner, and under the same conditions and limitations as are by law provided in the case of damage by laying out public highways. And for the damage occasioned by flowing land, the said corporation shall not be liable to an action at common law, but persons injured may have a remedy by a complaint for flowing, in which the same proceedings shall be had as when a complaint is made under a statute of this state for flowing lands, occasioned by raising a head of water for the working of mills.

Corporation authorized to build dams and improve Mopang stream for driving logs. —may take lands. —may flow lands.

—how damages shall be ascertained if parties cannot agree.

—damages for flowing, how recovered.